

Case No. 2005-00437

I would like to thank the Public Service Commission for hearing my complaint. I regret this issue has come to this point, but I truly feel one reason for the PSC's existence is to settle these types of disputes in a fair and equitable manner.

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Peaks Mill Water District keeps arguing that they are restricted to Franklin County only, but they have been serving myself and Horace Ray Luther for the past seven (7) years approximately and our property is in Owen County. Peaks Mill is annexing property near Elmville on Cedar Rd. presently to extend their water lines in Owen County. Peaks Mill argument that they are a one county operation is without merit. Also, KRS 74.110, 74.120, and 74.115 makes reference to water districts crossing county lines and allowing for it. Therefore, I feel the PSC should rule in my favor since the precedent has been set and the Peaks Mill argument of principle of estoppel is null and void.

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I also take strong exception to Sandy Broughman testimony under oath about the amount of cover of the Peaks Mill water line that crosses a culvert under Owen Co. Road East and Peaks Mill argument that I should not hook onto their line since I would not have proper cover over another culvert I would have to cross. Mr. Broughman stated several times that Peaks Mill line was covered by 30 inches of cover far exceeding the 24 inche requirement of the PSC. This testimony is on the video tape of the hearing at 11:26:07, 11:37:40 and 11:38:05. I disputed this during my cross-examination of Mr. Broughman at 12:11 on the tape and Mr. Broughman is badly misinformed or ignorant of my situation. To make matters worse, Ms. Bridwell parroted Broughman's expert testimony at 02:56. Mr. Broughman's testimony is called into question and I ask how can you believe anything he says? I was present at the Sandlin hearing, Case # 2003-

00127, which I ask the PSC to put in the final record for consideration as background for my case. Mr. Broughman made several inaccurate and incorrect statements under oath during that hearing. Based on that episode, then this testimony, I request the PSC to never allow Mr. Broughman to testify before the PSC ever again considering he has proven his unreliability. To bolster any argument against Mr. Broughman, I submit a notarized signed statement from friends, neighbors and concerned citizens, also the attached photos, who have been to my property and witnessed these inaccuracies. I would like to call this Jeff Quarles Exhibit I.

I feel I have proven that the Peaks Mill line has been improperly installed. It appears that Peaks Mill representatives have been untruthful about that issue. I would like to recommend two solutions to this property for your consideration.

- (1) Peaks Mill be made to back up from the culverts in question, cross the ditch near where the service line to my former house is located and go under the Owen Co. Rd. East and cross the ditch again wherever Peaks Mill desires. Peaks Mill can then reattach to the master meter. This will solve two major issues. The current owner of my old property will be able to hook onto the Peaks Mill line nearer to his property and Peaks Mill will be able to properly cover this entire line with 30 inches of cover to insure the line from freezing.
- (2) Or follow my plan to properly cover the Peaks Mill line as well as my proposed line, and the new property owner will be allowed to hook onto Peaks Mill line where originally requested. This will be called Exhibit II.

As you have no doubt noted I refer to my property as former. I sold my property in question April 24, 2006 to Lennie House. Mr. House is aware of this situation and promises to pursue this if I am not successful. Mr. Marshall asked me during the hearing April 5th if I had an offer to purchase my property. At that time I did not. But I believe Peaks Mill's attempt to delay the last four months was an attempt to solve this problem by me selling. I am buying another farm in Peaks Mill's district and will continue to be their customer. Please do not let this cloud the waters and affect your decision. Thank you for your time.

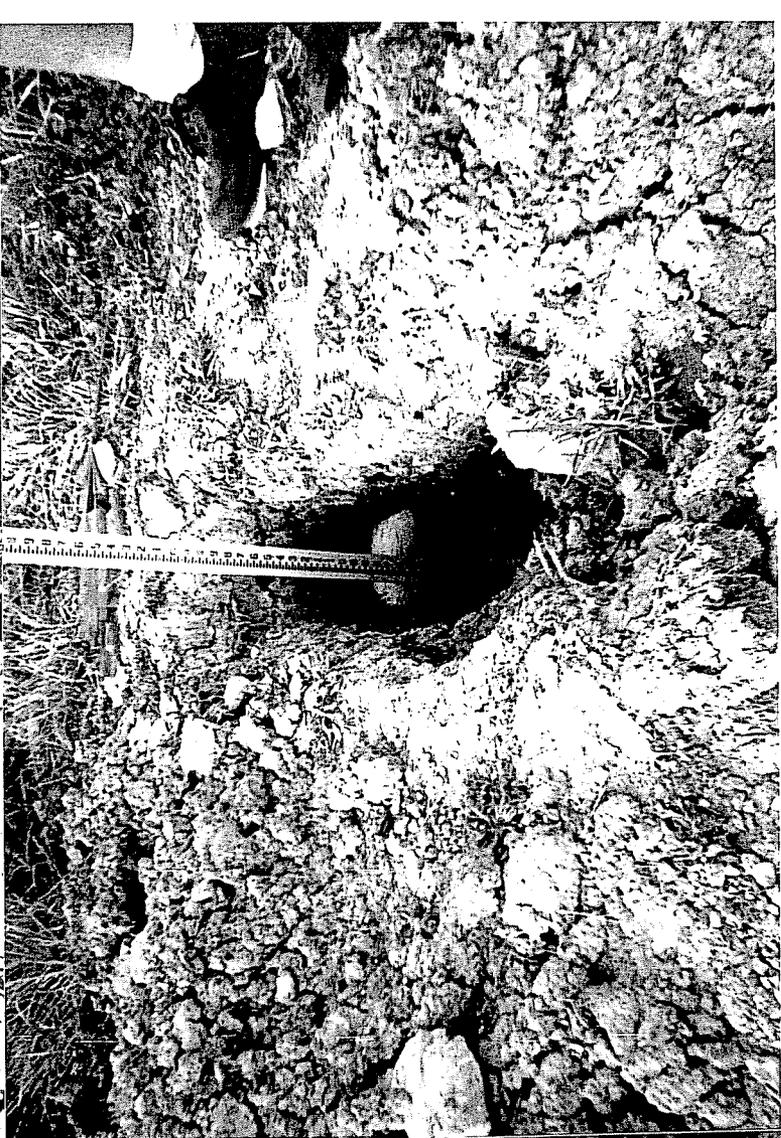




Exhibit 1

We, the undersigned, do hereby swear and affirm that we have been to Jeff Quarles property located at 15480 Owenton Road, Frankfort, Kentucky 40601, and have witnessed the Peaks Mill Water District line that crosses a culvert near his property. Mr. Quarles has uncovered this line and exposed the culvert and we have taken measurements and the top of the culvert to the top of the ground is 22 inches. There appears to be 2 inches of class I sand on top of the culvert with the 4 inch Peaks Mill Water District line on top of that. Therefore, there is 16 inches of cover from the top of the line to the top of the ground.

Ben Willoughby
Ben Willoughby

Arch Timothy McDonald
Arch Timothy McDonald

Eddie Thompson
Eddie Thompson

David Quarles
David A. Quarles

Jeff Quarles
Jeff Quarles

Subscribed and sworn to before me by Ben Willoughby, Arch Timothy McDonald, Eddie Thompson, David A. Quarles and Jeff Quarles on this 19 day of April, 2006.

Paula B. Smith
Notary Public, State-at-Large

My Commission Expires: 9-15-2006

